

**Title 9--DEPARTMENT OF MENTAL HEALTH
Division 10--Director, Department of Mental Health
Chapter 31—Reimbursement for Services**

PROPOSED RULE

9 CSR 10-31.014 Waiver of Standard Means Test for Children in Need of Mental Health Services

PURPOSE: This rule implements a revision to section 630.210 RSMo requiring the department to promulgate a rule waiving the standard means test for a child in need of mental health services

(1) Definitions

(A) The terms defined in 9 CSR 10-31.011 Standard Means Test are incorporated by reference as though set out in this rule.

(B) A “child in need of mental health services”, as used in this rule, is any child who qualifies to receive services from the Department of Mental Health under chapters 630, 631, 632 or 633 RSMo.

(2) Request for Waiver. At the time of initial application of the Standard Means Test (SMT) for a child in need of mental health services, and at the time of any subsequent reapplication, the provider shall inform the financially responsible person that the SMT may be waived.

(A) The provider shall make available to the financially responsible person information on how to submit a request for SMT waiver.

(B) The financially responsible person shall submit the request in writing to the department director, with a copy to the provider.

(C) The provider shall not charge the monthly rate as determined by the provider's application of the SMT to the financially responsible person for services provided to the child during the time the request is under review.

(D) A waiver may be approved, or approved with conditions, for up to one year. It is the responsibility of the financially responsible person to notify the provider of any significant change in financial status. A waiver may be reevaluated at the initiative of the department director due to any significant change in financial status.

(3) Review of Request for Waiver. Upon receipt of a request for SMT waiver the department director shall designate an individual or individuals to review the request. The designee or designees shall approve, approve with conditions, or deny the request within seven (7) working days of receipt of the written request. The designee or designees shall provide notice of the decision to the requestor by certified mail with copy to the provider.

(4) Consideration of Request. In making the decision to approve, approve with conditions, or deny the request, the designee or designees must consider the following, as presented by the requestor:

(A) The recommendation of the local care team, or other designated local or regional children's mental health authority that waiving the SMT will contribute to the therapeutic needs of the child by allowing the child to remain in the custody of the parent or custodian;

(B) History of the child being in state custody due exclusively to the need for mental health services where no substantiated reports of abuse or neglect exist;

(C) Statement from the financially responsible person that their primary motivation for requesting the waiver is to avoid loss of custody because they are unable to pay the monthly amount as determined by application of the standard means test;

(D) Past efforts of the financially responsible person to obtain needed medical care; and expenses incurred by the financially responsible person for the treatment of the mental health condition or for the physical health of the child necessitated by the onset of the mental health condition;

(E) The parent or custodian's history of insurance benefits expended for physical and mental health treatment of the child and their current attempts to obtain commercial or government-sponsored insurance coverage; and

(F) The parent or custodian's overall wherewithal to pay for the child's mental health treatment needs at the time of requesting the waiver, including gross income, medical expenses, assets, liabilities, and financial responsibility for other dependents in the home.

(5) Denial of Request. A request for waiver shall be denied when the request for waiver--

(A) Is not submitted in writing;

(B) Does not raise factual issues sufficient to show that inappropriate transfer of custody to the Children's Division is likely to occur absent the waiver; or

(C) Does not present persuasive, factual evidence that the financially responsible person cannot afford to pay the monthly amount required by the application of the standard means test.

(6)Appeal of Denial. Within seven (7) working days of receipt of notice of approval with conditions or denial of a request, the financially responsible person may appeal the approval with conditions or denial in writing to the department director, with copy to the provider.

(7)Review of Appeal. Within seven (7) working days of receipt of the written appeal, and upon completion of review, the department director shall issue a decision which may alter the approval with conditions or denial. The department director shall provide notice of the decision by certified mail to the financially responsible person with copy to the provider. The decision of the department director shall be the final decision of the department.

*AUTHORITY: sections 630.050 and 630.210, RSMo 2004. * Emergency rule filed Sept. 2, 2004, effective Sept. 15, 2004, expires March 14, 2005. Original rule filed Sept. 2, 2004.*

PUBLIC COST: The projected cost of this proposed rule is \$178,828 during the first year, and \$53,700 in the second year and subsequent years with inflationary increases of 2.5 % for each year over the twenty year life of the rule. Please see fiscal note.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment by writing to Randy Hodill, Reimbursement Administrator, Office of Administration, Department of Mental Health, P.O. Box 687, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*